

Exhibit A

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1 IN THE UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF VIRGINIA
3 ALEXANDRIA DIVISION

4 -----:
5 UNITED STATES, et al., :
6 :
7 Plaintiff, :
8 :
9 vs. : Case No.:
10 : 1:23-CV-00108-LMB-JFA
11 GOOGLE, LLC, :
12 :
13 Defendant. :
14 :
15 -----:

16 CONFIDENTIAL VIDEOTAPED DEPOSITION OF ADORIA LIM

17 DATE: February 29, 2024
18 TIME: 9:37 a.m.
19 LOCATION: U.S. Department of Justice
20 Antitrust Division
21 450 Fifth Street, Northwest
22 Washington, D.C. 20530

23 REPORTED BY: Shari R. Broussard, RPR, CSR
24 Reporter, Notary
25 Job No. CS6485261

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1 THE WITNESS: As I just testified, I --
2 I didn't read his deposition, so I don't know what
3 he said in it.

4 BY MS. GOODMAN:

5 Q Okay. But you had conversations about
6 his deposition with individuals, so I'm just
7 asking if you have an awareness about what
8 Professor Simcoe testified in deposition, that he
9 is not offering an opinion that the but-for take
10 rate is 10 percent?

11 MR. BRISKIN: Objection to form.

12 BY MS. GOODMAN:

13 Q Are you aware of that?

14 A I -- I don't have that awareness.

15 Q Okay. You have no opinion as to the
16 appropriateness of any of the but-for take rates
17 you apply in your damages calculation, correct?

18 A I did not do an independent evaluation
19 of the but-for take rate.

20 Q Okay. And you have no opinion as to the
21 appropriateness of any but-for take rate, correct?

22 MR. BRISKIN: Objection to form.

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1 THE WITNESS: I do not.

2 BY MS. GOODMAN:

3 Q And so the United States instructed you
4 to use an alternative AdX but-for take rate of
5 10 percent, correct?

6 A Yes.

7 Q Are you aware of any facts that support
8 application of a 10 percent but-for take rate?

9 MR. BRISKIN: I'll just instruct the
10 witness not to answer with regard to
11 communications with counsel, but you can answer.

12 THE WITNESS: My understanding is that
13 the United States intends on presenting evidence
14 with regard to the 10 percent but-for take rate at
15 trial, but I haven't performed an independent
16 analysis of that 10 percent. I haven't, for
17 example, searched in databases looking for
18 10 percent.

19 BY MS. GOODMAN:

20 Q So you aren't personally aware of any
21 facts that would support application of that
22 but-for take rate?

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1 A Not sitting here today. It's not
2 something I focused on.

3 Q Okay. Did the United States -- did you
4 rely on any facts communicated to you by the
5 United States in applying a 10 percent but-for
6 take rate in your calculations?

7 A One more time.

8 Q Did you rely on any facts communicated
9 to you by the United States in applying a
10 10 percent but-for take rate in your calculations?

11 A No.

12 Q Okay. Let's turn to paragraph 56 of the
13 Respass initial report.

14 A Yes, I'm there.

15 Q And you write in the first sentence,
16 "For each FAA Purchase Pathway except CMS.1,
17 CMS.2, NHTSA.1, and NHTSA.2, I selected a numb
18 of transactions of open web display advertising
19 and confirmed that the FAA paid for those
20 transactions."

21 Did I read that correctly?

22 A Yes.

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1 CERTIFICATE OF NOTARY PUBLIC

2 I, SHARI R. BROUSSARD, the officer before
3 whom the foregoing deposition was taken, do hereby
4 certify that the witness whose testimony appears
5 in the foregoing deposition was duly sworn by me;
6 that the testimony of said witness was taken by me
7 in stenotype and thereafter reduced to typewriting
8 under my direction; that said deposition is a true
9 record of the testimony given by said witness;
10 that I am neither counsel for, related to, nor
11 employed by any of the parties to the action in
12 which this deposition was taken; and, further,
13 that I am not a relative or employee of any
14 counsel or attorney employed by the parties
15 hereto, nor financially or otherwise interested in
16 the outcome of this action.

17
18 

19 SHARI R. BROUSSARD

20 Notary Public in and for the
21 District of Columbia

22 My commission expires:

August 14, 2025

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1 A C K N O W L E D G E M E N T
2 O F D E P O N E N T
3
4

5 I, ADORIA LIM, do hereby acknowledge
6

7 I have read and examined the foregoing pages of
8

9 testimony, and the same is a true, correct and
10

11 complete transcription of the testimony given by
12

13 me, and any changes or corrections, if any, appear
14

15 in the attached errata sheet signed by me.
16

17
18
19
20 Date

21 ADORIA LIM

22 Job No. CS6485261